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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,072	09/29/2000	Vincent Kovarik	6572-27	2136

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EXAMINER	
DUONG, OANH L	
ART UNIT	**PAPER NUMBER**
2155	6

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/677,072	KOVARIK ET AL.	
	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/06/2000*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claim 1 is objected to because of the following informalities: the same label (e.g., a message adapter) should not be used to imply to different components.

It is not clear that "said message routers" indicate routers connected to subscriber or publisher.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Mead et al (Mead) (US 6,366,826 B1).

Regarding claim 1, Mead discloses a distributed system for transmitting topical data messages from data publishers to data consumers (fig. 2) comprising a message topic server (index server); a plurality of message routers (LPDB); and a plurality of message adapters (TCP/IP link); each data publisher commutatively linked to a message adapter, each data consumer communicatively linked to a message adapter, each message adapter communicatively lined to a message router and each message router communicatively linked to said message topic server (fig. 3); said message topic server having a list of message topics to which data consumers can subscribe and a list of data publishers able to publish data messages consonant with said message topics (col. 3 lines 41-44); said message routers subscribing to selected message topics in said list in said message topic server on behalf of requesting data consumer (col. 3 lines 25-40); said message routers registering message topics with said message topic server on behalf of requesting data publishers which publish data messages consonant with said registered message topics (col. 3 lines 25-44 and col. 6 lines 33-46); said message routers transmitting and receiving data messages to and from respective data consumers and data publishers according to said subscriptions (col. 3 lines 25-39); said transmitted and received data messages transmitted and received to and from said respective data consumers and data publishers through messages adapters commutatively linked to said respective data consumers and data producers (col. 4 lines 12-14)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2, 5-10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapman et al (Knapman) in view of Narendran et al. (Narendran) (US 6,070,191).

Regarding claim 2, Knapman discloses a distributed messaging method of publishing topical messages in a communications network (abstract) comprising receiving in a first message router from a data consumer a request to subscribe to a message topic and transmitting data messages from said data publisher over said established interprocess communications link to said data consumer (col. 4 lines 41-55). Knapman does not explicitly disclose a redirection mechanism as claimed. However, Narendran, in the same field of endeavor, discloses responsive to receiving request, retrieving from a server a location of a second message router, and establishing an interprocess communications connection between said first and second message routers (col. 14 lines 40-54). Narendran teaches that such the redirection mechanism ensures that the load in a distribution system, such as in Knapman, is properly balanced across the servers (col. 3 lines 8-11). For this reason, it would have been obvious to one having ordinary skill in the art to utilize this redirection mechanism in a message distributed computing environment in Knapman.

Regarding claim 5, Knapman teaches detecting a communication interruption (col. 3 lines 29-31); responsive to detecting said interruption, terminating said subscription, retrieving from said message topic server a location of a message router communicatively linked to a data publisher able to resume said providing of said data messages consonant with said requested message topic, establishing an interprocess communications connection between said first message router and said message router communicatively linked to a data publisher able to resume said providing of said data messages, and resuming said transmission of said data messages from said data publisher over said established interprocess communications connection between said first message router and said message router communicatively linked to data publisher able to resume said providing of said data messages (col. 4 line 59-col. 6 line 31).

Regarding claims 6-8, Knapman teaches detecting a communication break (col. 6 lines 32-40).

Regarding claim 10, a machine-readable storage of claim 10 has a corresponding method of claim 2; therefore, claim 10 is rejected under the same rationale as applied to claim 2.

Regarding claim 13, Knapman teaches detecting a communication interruption (col. 3 lines 29-31); responsive to detecting said interruption, terminating said subscription, retrieving from said message topic server a location of a message router communicatively linked to a data publisher able to resume said providing of said data messages consonant with said requested message topic, establishing an interprocess communications connection between said first message router and said message router

communicatively linked to a data publisher able to resume said providing of said data messages, and resuming said transmission of said data messages from said data publisher over said established interprocess communications connection between said first message router and said message router communicatively linked to data publisher able to resume said providing of said data messages (col. 4 line 59-col. 6 line 31).

Regarding claims 14-16, Knapman teaches detecting a communication break (col. 6 lines 32-40).

Regarding claims 9 and 17, Knapman teaches re-establishing an interprocess communications connection between first and second routers (col. 6 lines 41-45).

4. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapman et al (Knapman) in view of Narendran et al. (Narendran) (US 6,070,191).

Regarding claims 3 and 11, the combination of teachings of Knapman and Narendran does not specifically teach establishing a multicast link. Novaes, in the same field of endeavor, teaches establishing a multicast data communications link between said first and second message routers (col. 3 lines 24-26). Novaes teaches a dynamic multicast routing facility for the distributed processing environment, such as in Knapman, automatically reacts to a failure of any routing node within the environment (col. 3 lines 3-11) and thereby ensuring all functional computing nodes within the distributed computing environment are reachable via multicast (col. 3 lines 30-42). For this reason, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to have utilized the multicast communications link in a distributed computing environment in Knapman.

Regarding claims 4 and 12, Knapman teaches multicasting data messages from said data publisher over said multicast data communications link to said data consumer (col. 2 lines 6-21).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
February 19, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER